



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : **David Y. Zhang**
Application No. : **09/978,261**
Filed : **October 15, 2001**
For : **NUCLEIC ACID AMPLIFICATION METHODS**

Art Unit No. : **1645**
Examiner : **Not Yet Assigned**
TECH 1645 11/20/02

Date: November 6, 2002

Commissioner for Patents
Washington, DC 20231

TRANSMITTAL OF SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY

Sir:

Enclosed herewith is a Supplemental Declaration and Power of Attorney for the captioned application.

No fee is deemed necessary in connection with the filing of this Supplemental Declaration and Power of Attorney. However, if any fee is due the amount of such fee may be charged to Deposit Account No. 19-4709.

Certificate of Mailing (37 C.F.R. 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on November 6, 2002.

Typed or printed name of person signing this certificate:

Jennifer Bartolo

Signature:

Jennifer Bartolo

Respectfully submitted,

for Mary C. DiNunzio, Reg. No. 37,306
Steven B. Pokotilow
Registration No. 26,405
Attorney for Applicant
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**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**
(Page 1)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which

is attached hereto

was filed on **October 15, 2001** as United States Patent Application No. or PCT International Application No. **09/978,261** and was amended on **October 22, 2002** (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b), of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

| <u>Country</u> | <u>Application No</u> | <u>Filed (Day/Mo./Yr.)</u> | <u>Priority Claimed (Yes unless box is checked)</u> |
|----------------|-----------------------|----------------------------|---|
| | | | <input type="checkbox"/> |

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FOR PATENT APPLICATION
(Page 2)**

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I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

Application No.

Filed (Day/Mo./Yr.)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| <u>Application No.</u> | <u>Filed (Day/Mo./Yr.)</u> | <u>Status</u> |
|------------------------|----------------------------|---|
| 08/263,937 | June 22, 1994 | (Patented, Pending, Abandoned) Abandoned |
| PCT/US95/07671 | June 14, 1995 | |
| 08/596,331 | May 20, 1996 | Abandoned |

See Second page 2

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration numbers).

Lawrence Rosenthal, Reg. No. 24,377
Steven B. Pokotilow, Reg. No. 26,405
James J. DeCarlo, Reg. No. 36,120
Matthew W. Siegal, Reg. No. 32,941
David L. Schaeffer, Reg. No. 32,716



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| <u>Application No.</u> | <u>Filed (Day/Mo./Yr.)</u> | <u>Status</u> |
|------------------------|----------------------------|---------------|
| 08/690,494 | July 31, 1996 | Patented |
| 08/909,031 | August 11, 1997 | Abandoned |
| 09/299,217 | April 23, 1999 | Pending |
| 09/728,265 | December 1, 2000 | Pending |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

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Inventor's signature: _____ Date: _____

Citizen/Subject of: _____

Residence: _____

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